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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,988	07/18/2005	Christoph Nemmaier	P05,0098	6398
26574	7590	06/09/2009		
SCHIEF HARDIN, LLP PATENT DEPARTMENT 6600 SEARS TOWER CHICAGO, IL 60606-6473			EXAMINER NILANONT, YOUFAFORN	
			ART UNIT 2446	PAPER NUMBER
			MAIL DATE 06/09/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/528,988

Applicant(s)

NEMMAIER ET AL.

Examiner

YOUAPORN NILANONT

Art Unit

2446

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 28-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 28-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status of Claims:

Claims 28-33 are pending in this Office Action.

Claims 28-33 are new.

Claims 1-27 are cancelled.

Response to Arguments

1. Applicant's arguments with respect to claim 28-33 filed 03/19/2009 have been considered but are moot in view of the new ground(s) of rejection. The reasons are set forth below.

Applicant's Invention as claimed:

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 28-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stupek, Jr. et al. (US 5,586,304) in view of Levine ("Linkers and Loaders").

4. **Regarding claim 28**, (new) Stupek discloses a method for administration of at least one data object of a printer or copier, comprising the steps of:

storing at least data of a data object in a databank (Stupek, figure 1 "resource upgrades 7", column 3 lines 26-48 "upgrades 7...are provided to a server manager 2 by a distribution medium...such as a CD-ROM"), and

associating an identifier with the data object wherein the data object comprises at least one of the elements selected from a group consisting of a variable and a constant (Stupek, column 3 lines 32-39 "upgrade objects 8");

creating at least one first source code with a plurality of instructions in a programming language, said source code containing the identifier of the data object (Stupek, column 4 lines 38-42 "Installation instructions 20" and column 3 lines 40-46 "upgrade database 9 which stores information about each of the upgrade");

from said first source code generating a second source code with a plurality of instructions in the programming language (Stupek, column 5 lines 31-53); and

generating a program code for execution in a control unit of the printer or copier with aid of the second source code (Stupek, column 5 line 60 "installation is complete").

Stupek may not explicitly disclose linking between the upgrade packages and the installation instructions in creating the job with the control file to be sent to the managed device.

Levine discloses a linker used in programming that links files to create another file while resolving symbols called by one file and defined by another (Levine, page 5 second bullet) . It would have been obvious to the person of ordinary skill in the art, at the time the invention was made, to incorporate the teaching of Levine in Stupek reference in order to save memory space since a single code can create multiple different codes from a single set of data (Levine, page 13 second paragraph from the last).

5. **Regarding claim 29, (new)** Stupek and Levine disclose a method according to claim 28 wherein at least the first source code comprises a script created in a scripting language (Stupek, column 4 lines 40-43 "scripting language"),

the second source code being generated from the data contained in the databank with aid of the script (Stupek, column 5 lines 31-53).

6. **Regarding claim 30, (new)** Stupek and Levine disclose a method according to claim 28 wherein at least the first source code is created in a scripting language (Stupek, column 4 lines 40-43 "scripting language").

7. **Regarding claim 31, (new)** Stupek and Levine disclose a method according to claim 28 wherein the data of the data object comprises at least one of the elements selected from a group consisting of size, type, name, position within a data object structure, write/read rights, unit, limit values, and function calls for handling of the data object (Stupek, figure 1 "resource upgrades 7", column 10 lines 31-34 "replacement information", column 3 lines 64-67 thru column 4 lines 1-4, figure 4 "driver table 32", imply that resource upgrade is the data to be replaced in the managed device and stored in its MIB table thus also have fields such as ones on the current MIB).

8. **Regarding claim 32, (new)** Stupek and Levine disclose a method according to claim 28 wherein the same identifier is associated with a plurality of data objects, and the identifier in the first source code is replaced by data of a plurality of data objects (Levine, page 13 second paragraph from the last).

9. **Regarding claim 33, (new)** Stupek discloses a device for administration of at least one data object of a printer or copier, comprising:

a first storage region in which at least data of one data object are stored, wherein an identifier is associated with the data object and wherein the data object contains at least one of the elements selected from a group consisting of a variable and a constant (Stupek, figure 1 "resource upgrades 7", column 3 lines 26-48 "upgrades 7...are provided to a server manager 2 by a distribution medium...such as a CD-ROM", column 3 lines 32-39 "upgrade objects 8");

a second storage region in which at least one first source code with a plurality of instructions is stored in a programming language, the source code containing the identifier of the data object (Stupek, column 4 lines 38-42 "Installation instructions 20" and column 3 lines 40-46 "upgrade database 9 which stores information about each of the upgrade");

the device generates from the first source code a second source code with a plurality of instructions in the programming language (Stupek, column 5 lines 31-53);

and the device generates a program code for execution in a control unit of the printer or copier with aid of the second source code (Stupek, column 5 line 60 "installation is complete").

Stupek may not explicitly disclose linking between the upgrade packages and the installation instructions in creating the job with the control file to be sent to the managed device.

Levine discloses a linker used in programming that links files to create another file while resolving symbols called by one file and defined by another (Levine, page 5 second bullet) . It would have been obvious to the person of ordinary skill in the art, at

the time the invention was made, to incorporate the teaching of Levine in Stupek reference in order to save memory space since a single code can create multiple different codes from a single set of data (Levine, page 13 second paragraph from the last).

REMARKS

Applicant has presented a new set of claims and arguments which is persuasive that the new claims overcome Malik et al. reference, specifically, the new "second source code with a plurality of instructions in the programming language" limitation in the new claims.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOUPAPORN NILANONT whose telephone number is (571) 270-5655. The examiner can normally be reached on Monday through Thursday and alternate Friday at 8:30 AM - 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey C. Pwu can be reached on (571) 272-6798. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Y. N./
Examiner, Art Unit 2446
06/03/2009

/Jeffrey Pwu/
Supervisory Patent Examiner, Art Unit 2446